



PRESS RELEASE
JUDGMENT SUMMARY

RAMADHANI ISSA MALENGO v. UNITED REPUBLIC OF TANZANIA
APPLICATION FOR REVIEW NO. 001/2019
JUDGMENT ON REVIEW
15 JULY 2020

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Date of Press Release: 15 July 2020

Arusha, 15 July 2020: The African Court delivered its Judgment on the Application for Review in *Ramadhani Issa Malengo v United Republic of Tanzania*.

On 4 December 2019, Mr. Ramadhani Issa Malengo (the Applicant), of Tanzanian nationality filed an Application for Review of the African Court's Judgment of 4 July 2019 in the matter of *Ramadhani Issa Malengo v United Republic of Tanzania*, where he had filed an application against the United Republic of Tanzania (the Respondent State).

In his original Application registered with the Court as No. 030/2015, filed on 23 November 2015, the Applicant alleged that he was denied justice in the municipal courts of the Respondent State in violation of his rights to a fair trial protected under Article 7 of the African Charter on Human and Peoples' Rights (the Charter). In its Ruling delivered on 4 July 2019, the Court dismissed the Application having found that the Applicant had not exhausted local remedies in accordance with Rule 40(6) of the Rules of Court (the Rules).

In his Application for Review of the Ruling of 4 July 2019, the Applicant argued that the Court had erred by finding that he had not exhausted local remedies meanwhile he had done so through Civil Case No.163 of 2000 decided by the High Court of Tanzania and Civil Cases No. 108/2009 and 76/2011 decided by the Court of Appeal of Tanzania. He argued, that consequently, his Application for Review was justified as the Court had failed to take cognisance of the aforementioned cases.

As regards jurisdiction, the Court held that it had jurisdiction to determine the Application. This is because, the Application was filed for the purpose of review of the Court's Ruling in light of the alleged new evidence discovered by the Applicant.

As regards admissibility of the Application,; the Court considered whether the two (2) requirements stipulated in Article 28(3) of the Protocol had been fulfilled; that is, the requirement that the Application be



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filed upon discovery of new evidence and within six (6) months of such discovery. The Court held that even though the Applicant did not disclose the date upon which he discovered the purported new evidence; the fact that the Application was filed before the Court, five (5) months after delivery of judgment in the initial Application, meant that it was filed within the six months' time limit as required by Rule 67 of the Rules.

On the second requirement, that is, whether the Applicant adduced new evidence which was not within his knowledge at the time of delivery of the initial Judgment; the Court held that, the supporting documents submitted by the Applicant merely restated some allegations which the Court had already examined in its Ruling and therefore do not qualify as new evidence. Furthermore, that the said supporting documents had no effect on the Court's finding that the Applicant had not exhausted local remedies and thus did not satisfy the conditions for Review. Consequently, the Court held that the Application for Review was inadmissible.

The Court ordered each party to bear its own costs.

Further Information

Further information about this case, including the full text of the decision of the African Court, may be found on the website at: <https://www.african-court.org/en/index.php/56-pending-cases-details/893-app-no-030-2015-ramadhani-issa-malengo-v-united-republic-of-tanzania-details>

For any other queries, please contact the Registry by email registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court established by African Union Member States to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at www.african-court.org.